

#17 log for  
refund  
2/26/09

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gerald R. Koefeldt, et al.

Serial No.: 09/710,516

Filed: November 10, 2000

Attorney Docket No.: RPC 0485 PUS

For: CRATE FOR BOTTLES AND OTHER CONTAINERS

**REQUEST FOR REFUND  
UNDER 37 C.F.R. § 1.28(a)**

Mail Stop 16 (refunds)  
Director of the US Patent & Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

**I. REFUND REQUEST**

This request for refund is made in response to the December 31, 2003 "Monthly Statement of Deposit Account" just received, in which fees were inaccurately charged to Applicant's Deposit Account for the above application, in the amount of \$840.

**A) \$950 Extension of Time Fee (3 months)**

1) The final rejection mailed May 30, 2003 set forth the variable reply period, stating that if a reply to the final rejection was filed within two months, the shortened statutory period would expire at 3 months from the mailing of the final rejection or on the date that the advisory action is mailed, whichever is later.

2) Applicant's response to the final rejection was timely filed July 30, 2003, i.e. within two months of the mailing of the final rejection.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop 16, Director of the US Patent & Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on:

Feb. 12, 2004  
Date of Deposit

Konstantine J. Diamond  
Name of Person Signing

Kan [Signature]  
Signature

3) The Examiner never issued an Advisory Action.

4) Applicant filed an RCE on December 2, 2003 (within six months after the mailing date of the final rejection).

5) If the Examiner had timely issued an Advisory Action, Applicant could have filed the RCE with a one-month extension of time (\$110). However, since the Examiner did not issue any Advisory Action at all, Applicant should have been charged for only a one-month extension of time for filing the RCE. Applicant explained this in the RCE transmittal, and despite the explanation the PTO still charged for a 3-month extension (\$950).

Therefore, the total amount of the refund requested is \$ 840 (\$950 - \$110) as reflected in the December 2003 Deposit Account Statement for account 50-1984).

B) The Other Charges (\$770, \$18, \$86)

With regard to this applications's other charges in the December 2003 Dep. Acct. Statement, Applicant finds that the \$770 RCE fee is proper. The other charges for \$18 and \$86 do not match Applicant's sums, but Applicant will accept the PTO's determination.

**II. MANNER OF REFUND**

Please make refund by crediting \$840.00 to Deposit Account No. 50-1984.

Respectfully submitted,

**Trenton M. Overholt, et al.**

Date: February 12, 2004

By: 

Konstantine J. Diamond, Reg. No. 39,657  
4010 E. 26<sup>th</sup> St.  
Los Angeles, CA 90023  
Phone: 323-262-5145; Fax: 323-269-8506